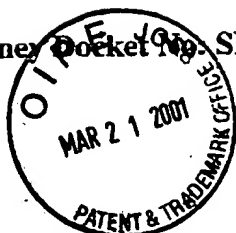


#3

Attorney Docket No. SIEB-012/01US

PATENT

**DECLARATION**

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated next to my name;

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD, SYSTEM, APPARATUS AND PROGRAM PRODUCT FOR DISTRIBUTION  
AND INSTANTIATION OF SOFTWARE UPGRADES**

the specification of which was filed as United States Application Serial No. 09/653,706 on September 1, 2000;

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information which is known to me to be material to the patentability of said invention in accordance with 37 C.F.R. §1.56;

I hereby claim foreign priority benefits under 35 U.S.C. §119 and/or §365 of any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America listed below; I have also identified below any foreign application(s) for patent, any foreign application(s) for inventor's certificate, or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**Prior Foreign Application(s)**

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

## Declaration

Attorney Docket No.SIEB-012/01US

Page 2

60/076,66703/03/98

(Application Number)

(Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
PCT/US99/04581	03/03/99		X		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor:

Gilberto Arnaiz

Inventor's signature



Date

Feb 14, 2001

Residence:

529 Shoal Circle, Redwood City, CA 94065

Citizen of:

United States

Post Office Address:

Same as Above

Full name of second inventor:

Robert A. Brodersen

Inventor's signature

Date

Residence:

17 Spinnaker Place, Redwood City, CA 94065-1270

Citizen of:

United States

Post Office Address:

Same as Above

## Declaration

Attorney Docket No.SIEB-012/01US  
Page 3**Full name of third inventor: Prashant Chatterjee**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 21281 Glenmont Drive, Saratoga, CA 95070

Citizen of: Republic of India

Post Office Address: Same as Above

**Full name of fourth inventor: Peter Siam Sy Lim III**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: 917 Governors Bay Drive, Redwood City, CA 94065

Citizen of: United States

Post Office Address: Same as Above

**Full name of fifth inventor: Duane E. Wandless**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

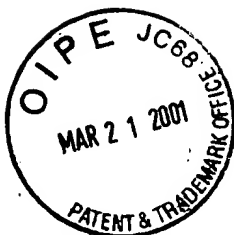
Residence: 101 Bradford Lane, Bloomsbury, NJ 08804

Citizen of: United States

Post Office Address: Same as Above

85117 v1/RE  
1T\_D01!.DOC  
021401/1214

Attorney Docket No: SIEB-012/01US



PATENT

### DECLARATION

As a below named inventor, I hereby declare that:

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AND INSTANTIATION OF SOFTWARE UPGRADES**

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I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above;

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**Prior Foreign Application(s)**

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

60/076,667                      03/03/98  
(Application Number)              (Filing Date) (day, month, year)

I hereby claim the benefit under 35 U.S.C. §120 and/or §365 of any United States application(s) or of any international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior application(s) in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in 37 C.F.R. §1.56 which became available between the filing date(s) of the prior application(s) and the national or PCT international filing date of this application:

Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS <i>(check one)</i>		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
PCT/US99/04581	03/03/99		X		

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**Full name of first inventor:**

**Gilberto Arnaiz**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: **529 Shoal Circle, Redwood City, CA 94065**

Citizen of: **United States**

Post Office Address: **Same as Above**

**Full name of second inventor:**

**Robert A. Brodersen**

Inventor's signature Robert A. Brodersen Date Feb 14<sup>th</sup>, 2001

Residence: **17 Spinnaker Place, Redwood City, CA 94065-1270**

Citizen of: **United States**

Post Office Address: **Same as Above**

**Full name of third inventor: Prashant Chatterjee**

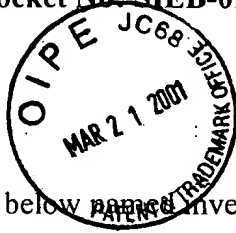
Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **21281 Glenmont Drive, Saratoga, CA 95070**  
Citizen of: **Republic of India**  
Post Office Address: **Same as Above**

**Full name of fourth inventor: Peter Siam Sy Lim III**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **917 Governors Bay Drive, Redwood City, CA 94065**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

**Full name of fifth inventor: Duane E. Wandless**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **101 Bradford Lane, Bloomsbury, NJ 08804**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

**DECLARATION**

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AND INSTANTIATION OF SOFTWARE UPGRADES**

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**Prior Foreign Application(s)**

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

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60/076,667 03/03/98  
(Application Number) (Filing Date) (day, month, year)

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Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
PCT/US99/04581	03/03/99		X		

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**Full name of first inventor:**

**Gilberto Arnaiz**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: **529 Shoal Circle, Redwood City, CA 94065**

Citizen of: **United States**

Post Office Address: **Same as Above**

**Full name of second inventor:**

**Robert A. Brodersen**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_

Residence: **17 Spinnaker Place, Redwood City, CA 94065-1270**

Citizen of: **United States**

Post Office Address: **Same as Above**



**Full name of third inventor: Prashant Chatterjee**

Inventor's signature Prashant Chatterjee Date 2/17/2001  
Residence: 21281 Glenmont Drive, Saratoga, CA 95070  
Citizen of: Republic of India  
Post Office Address: Same as Above

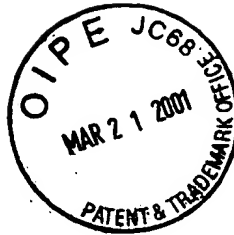
**Full name of fourth inventor: Peter Siam Sy Lim III**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 917 Governors Bay Drive, Redwood City, CA 94065  
Citizen of: United States  
Post Office Address: Same as Above

**Full name of fifth inventor: Duane E. Wandless**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: 101 Bradford Lane, Bloomsbury, NJ 08804  
Citizen of: United States  
Post Office Address: Same as Above

Attorney Docket No: SIEB-012/01US



PATENT

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**Prior Foreign Application(s)**

COUNTRY/INTERNATIONAL	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED

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## Declaration

Attorney Docket No. SIEB-012/01US  
Page 2

60/076,667 03/03/98  
 (Application Number) (Filing Date) (day, month, year)

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Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
PCT/US99/04581	03/03/99		X		

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Full name of first inventor: **Gilberto Arnaiz**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence: **529 Shoal Circle, Redwood City, CA 94065**  
 Citizen of: **United States**  
 Post Office Address: **Same as Above**

Full name of second inventor: **Robert A. Brodersen**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
 Residence: **17 Spinnaker Place, Redwood City, CA 94065-1270**  
 Citizen of: **United States**  
 Post Office Address: **Same as Above**

**Declaration**

**Attorney Docket No.SIEB-012/01US**  
**Page 3**

**Full name of third inventor: Prashant Chatterjee**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **21281 Glenmont Drive, Saratoga, CA 95070**  
Citizen of: **Republic of India**  
Post Office Address: **Same as Above**

**Full name of fourth inventor: Peter Siam Sy Lim III**

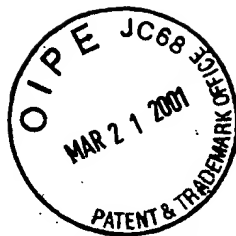
Inventor's signature *Peter Siam Sy Lim III* Date 2/12/01  
Residence: **917 Governors Bay Drive, Redwood City, CA 94065**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

**Full name of fifth inventor: Duane E. Wandless**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **101 Bradford Lane, Bloomsbury, NJ 08804**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

85117 v1/RE  
IT\_D011.DOC  
021301/1517

Attorney Docket No: SIEB-012/01US



PATENT

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**Prior Foreign Application(s)**

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Prior U.S. Application(s) or PCT International Applications Designating the U.S. for benefit under 35 U.S.C. §120

U.S. APPLICATIONS			STATUS (check one)		
U.S. APPLICATION NO.	U.S. FILING DATE (day, month, year)		Pending	Patented	Abandoned
PCT APPLICATIONS DESIGNATING THE U.S.					
PCT APPLICATION NO.	PCT FILING DATE (day, month, year)	U.S. APPLICATION NOS. (if any)			
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**Full name of first inventor:**              **Gilberto Arnaiz**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence:              **529 Shoal Circle, Redwood City, CA 94065**  
Citizen of:              **United States**  
Post Office Address: **Same as Above**

**Full name of second inventor:**              **Robert A. Brodersen**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence:              **17 Spinnaker Place, Redwood City, CA 94065-1270**  
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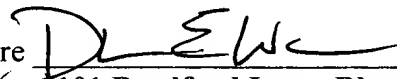
**Full name of third inventor: Prashant Chatterjee**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **21281 Glenmont Drive, Saratoga, CA 95070**  
Citizen of: **Republic of India**  
Post Office Address: **Same as Above**

**Full name of fourth inventor: Peter Siam Sy Lim III**

Inventor's signature \_\_\_\_\_ Date \_\_\_\_\_  
Residence: **917 Governors Bay Drive, Redwood City, CA 94065**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

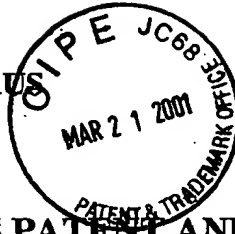
**Full name of fifth inventor: Duane E. Wandless**

Inventor's signature  Date *Feb 14, 2001*  
Residence: **101 Bradford Lane, Bloomsbury, NJ 08804**  
Citizen of: **United States**  
Post Office Address: **Same as Above**

#3

Attorney Docket No: SIEB-012/01U

PATENT



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of Arnaiz, et al.

Serial No.: 09/653,706

Examiner: Unassigned

Filed: September 1, 2000

Art Unit: 2152

For: **METHOD, SYSTEM, APPARATUS AND PROGRAM PRODUCT FOR  
DISTRIBUTION AND INSTANTIATION OF SOFTWARE UPGRADES**

The Commissioner for Patents  
Washington, D.C. 20231

**POWER OF ATTORNEY BY ASSIGNEE  
AND STATEMENT UNDER 37 C.F.R. §3.73(b)**

As the assignee of record of the entire right, title, and interest in the above-identified application, the registered practitioners of Cooley Godward LLP included in the Customer Number provided below are hereby granted Power of Attorney to prosecute this application and any applications claiming priority to this application, and to transact all business in the U.S. Patent and Trademark Office connected therewith.

The assignee certifies that to the best of its knowledge and belief it is the owner of the entire right, title, and interest in and to the above-identified application as evidenced by:

☒ An assignment document, a copy of which is enclosed herewith.



Attorney Docket No. SIEB-012/01US

Serial No.09/653,706

Page 2

Please direct all telephone calls and correspondence to:

COOLEY GODWARD LLP  
Attention: Patent Group  
One Freedom Square - Reston Town Center  
11951 Freedom Drive  
Reston, Virginia 20190-5601  
Tel: (703) 456-8000  
Fax: (703) 456-8100

CUSTOMER NUMBER: **022903**



The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

Date:

4/26/01

Signature:

Jeffrey T. Amann  
Vice President, Legal Affairs  
Siebel Systems, Inc.  
2207 Bridgepointe Parkway  
San Mateo, CA 94404-5509

83299 v1/RE  
1S9V011.DOC  
012501/1810

(04/00)

Attorney Docket No: SIEB-012/01US

PATENT

**ASSIGNMENT**  
(Joint)

We, Gilbert Arnaiz, residing at Redwood City, CA; Robert A. Brodersen, residing at Redwood City, CA; Prashant Chatterjee, residing at Saratoga, CA; Peter Siam Sy Lim III, residing at Redwood City, CA; and Duane E. Wandless, residing at Bloomsbury, NJ (hereinafter each referred to as "Assignor") have made an invention relating to certain new and useful improvements in:

**METHOD, SYSTEM, APPARATUS AND PROGRAM FOR DISTRIBUTION AND  
INSTANTIATION OF SOFTWARE UPGRADES**

set forth in an application for Letters Patent of the United States, which is a non-provisional application bearing Application No. 09/653,706 and filed on September 1, 2000 ; and

WHEREAS, SIEBEL SYSTEMS INC., a corporation duly organized under and pursuant to the laws of California, and having its principal place of business at 2207 Bridgepointe Parkway, San Mateo, CA 94404-5009 (hereinafter referred to as "the Assignee"), is desirous of acquiring the entire right, title, and interest in and to said invention(s), the right to file applications on said invention(s) and the entire right, title and interest in and to any applications, including provisional applications for Letters Patent of the United States or other countries claiming priority to said application, and in and to any Letters Patent or Patents, United States or foreign, to be obtained therefor and thereon;

NOW, THEREFORE, in consideration of One Dollar (\$1.00) and other good and sufficient consideration, the receipt of which is hereby acknowledged, the Assignor has sold, assigned, transferred, and set over, and by these presents does sell, assign, transfer, and set over, unto the Assignee, its successors, legal representatives, and assigns the entire right, title, and interest in and to the above-mentioned invention(s), the right to file applications on said invention(s) and the entire right, title and interest in and to any applications for Letters Patent of the United States or other countries claiming priority to said applications, and any and all Letters Patent or Patents of the United States of America and all foreign countries that may be granted therefor and thereon, and in and to any and all applications claiming priority to said applications, divisions, continuations, and continuations-in-part of said applications, and reissues and extensions of said Letters Patent or Patents, and all rights under the International Convention for the Protection of Industrial Property, the same to be held and enjoyed by the Assignee, for its own use and behalf and the use and behalf of its successors, legal representatives, and assigns, to the full end of the term or terms for which Letters Patent or Patents may be granted as fully and entirely as the same would have been held and enjoyed by the Assignor had this sale and assignment not been made;

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns, that, at the time of execution and delivery of these presents, the Assignor is a lawful owner of the entire right, title, and interest in and to the invention(s) set forth in said applications and said applications, including provisional applications, above-mentioned, and that the same are unencumbered, and that the Assignor has good and full right and lawful authority to sell and convey the same in the manner herein set forth;

## ASSIGNMENT

Attorney Docket No.SIEB-012/01US

Page 2

AND for the same consideration, the Assignor hereby covenants and agrees to and with the Assignee, its successors, legal representatives, and assigns that the Assignor will, whenever counsel of the Assignee, or the counsel of its successors, legal representatives, and assigns, shall advise that any proceeding in connection with said invention(s) or said applications for Letters Patent or Patents, or any proceeding in connection with Letters Patent or Patents for said invention(s) in any country, including interference proceedings, is lawful and desirable, or that any application claiming priority to said application, division, continuation, or continuation-in-part of any applications for Letters Patent or Patents, or any reissue or extension of any Letters Patent or Patents to be obtained thereon, is lawful and desirable, sign all papers and documents, take all lawful oaths, and do all acts necessary or required to be done for the procurement, maintenance, enforcement and defense of Letters Patent or Patents for said invention(s), without charge to the Assignee, its successors, legal representatives, and assigns, but at the cost and expense of the Assignee, its successors, legal representatives, and assigns;

AND the Assignor hereby requests the Commissioner of Patents to issue any and all said Letters Patent of the United States to the Assignee, as the Assignee of said invention(s) and the Letters Patent to be issued thereon for the sole use and behalf of the Assignee, its successors, legal representatives, and assigns.

Date: Feb 14, 2001By: 

Gilberto Arnaz

Date: \_\_\_\_\_

By: \_\_\_\_\_

Robert A. Brodersen

Date: \_\_\_\_\_

By: \_\_\_\_\_

Prashant Chatterjee

Date: \_\_\_\_\_

By: \_\_\_\_\_

Peter Siam Sy Lim III

Date: \_\_\_\_\_

By: \_\_\_\_\_

Duane E. Wandless

**ASSIGNMENT  
(Joint)**

We, Gilbert Arnaiz, residing at Redwood City, CA; Robert A. Brodersen, residing at Redwood City, CA; Prashant Chatterjee, residing at Saratoga, CA; Peter Siam Sy Lim III, residing at Redwood City, CA; and Duane E. Wandless, residing at Bloomsbury, NJ (hereinafter each referred to as "Assignor") have made an invention relating to certain new and useful improvements in:

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Date: \_\_\_\_\_

By: \_\_\_\_\_

**Gilberto Arnaiz**

Date: Feb 14<sup>th</sup>, 2001

By: Robert A Brodersen

**Robert A. Brodersen**

Date: \_\_\_\_\_

By: \_\_\_\_\_

**Prashant Chatterjee**

Date: \_\_\_\_\_

By: \_\_\_\_\_

**Peter Siam Sy Lim III**

Date: \_\_\_\_\_

By: \_\_\_\_\_

**Duane E. Wandless**

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Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Gilberto Arnaiz**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Robert A. Brodersen**Date: 2/19/2001By:   
**Prashant Chatterjee**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Peter Siam Sy Lim III**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Duane E. Wandless**

Attorney Docket No: SIEB-012/01US

PATENT

**ASSIGNMENT  
(Joint)**

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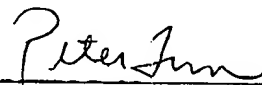
Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Gilberto Arnaiz**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Robert A. Brodersen**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Prashant Chatterjee**Date: 2/12/01By:   
**Peter Siam Sy Lim III**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Duane E. Wandless**

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(Joint)**

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Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Gilberto Arnaiz**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Robert A. Brodersen**


Date: \_\_\_\_\_

By: \_\_\_\_\_  
**Prashant Chatterjee**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
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Date: Feb 14, 2001

By:   
**Duane E. Wandless**